

College Settles Whistleblower Lawsuit

By Ariel Carmona Jr.
SUN Staff Writer

The latest in a series of pending lawsuits against Northern New Mexico College administrators was settled late last week, ending a long-running legal feud between the College and a former employee.

First Judicial District Court Judge Francis Matthew dismissed with prejudice, May 13, the Whistleblower Lawsuit filed by former director of Information Technology Angelo Jacques, dating back to Aug. 4, 2014.

Following the court's decision to grant an extension of time to file dispositive motions on March 28, pre-trial conferences and jury selection were scheduled for the months of June and July respectively, but the case never made it to trial.

Contacted Tuesday, Richard Rosenstock, an attorney representing Jacques, said per state statute, he would not be able to talk about the details of the case

Following the court's decision to grant an extension of time to file dispositive motions on March 28, pre-trial conferences and jury selection were scheduled for the months of June and July respectively, but the case never made it to trial.

for another six months.

"It's settled, we had a hearing scheduled, but all that stuff gets pushed off," he said.

Northern interim president Domingo Sanchez did not return calls for a statement on the settlement.

The College was being represented in the case by Santa Fe-based firm Long, Komer & Associates.

Sanchez served as vice president of Finance and Administration and was Jacques's immedi-

ate supervisor when the latter was working for the College starting in the fall of 2012.

At the time he began his employment with the College, Ricky Serna was serving as vice president of Institutional Advancement, Henrietta Trujillo was the finance director and Bernie Padilla was director of Human Resources.

Only Sanchez and Trujillo remain employed by the College since the lawsuit was originally filed.

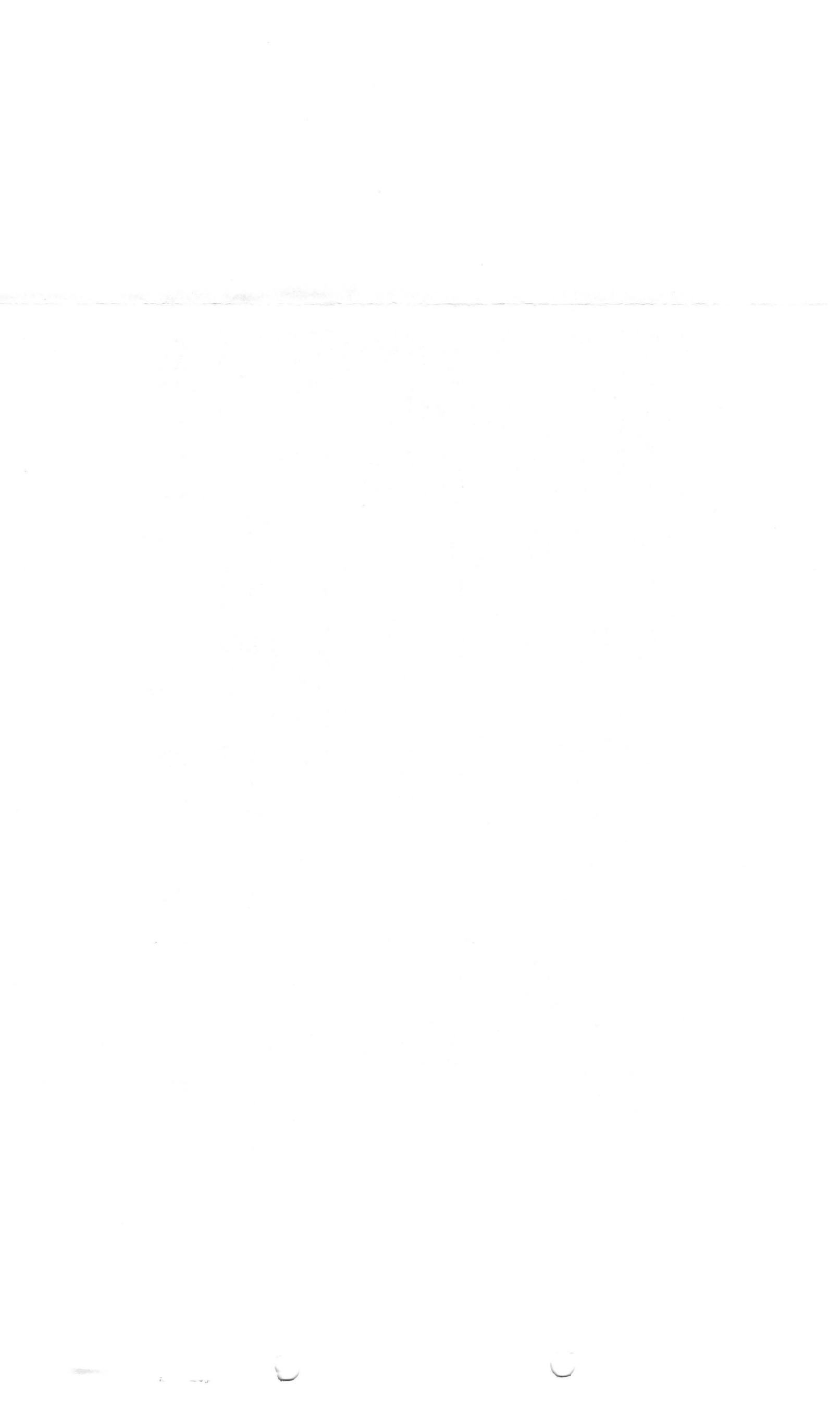
Trujillo said she was not aware the Jacques lawsuit had been settled and did not know if the law firm representing the College had been directed to settle any cases pending against the College. She said Sanchez and the attorneys have been handling all of the College's legal issues.

Sanchez recently went on record, March 15, when the College came to terms in the lawsuit filed by former Environmental Sciences director James Biggs. At that point, Sanchez said administrators are not allowed to comment on legal matters, similar to the way they are restricted when speaking about personnel issues.

Biggs claimed his problems with the College started after he questioned Sanchez about his lack of financial management. He said administrators demoted him and reassigned him to the El Rito campus because he was criti-

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Rio Grande Sun
May 19, 2016



Auditor Discovered Deficiencies During Audit Process

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ical of administration, among other things, such as fiscal mismanagement and misappropriation of federal grant funds.

Similarly, Jacques's complaint for damages under the state's Whistleblower Protection Act arose out of what he claimed was administration's efforts to punish and discredit him and to deprive him of employment after he communicated to them his concerns about "rampant mismanagement, improper employment actions, favoritism and misuse of public funds and equipment," discovered while he worked as Information director for the College.

In his lawsuit, he further alleged that administrators acted to discredit him as a result of his refusal to take part in activities or practices at Northern New Mexico College that constituted unlawful or improper acts.

The New Mexico State auditor's office found that during 2012, among other concerns, the College lacked adequate internal financial controls and protections against irregularities.

The state auditor determined internal controls were so deficient that errors and irregularities could go undetected, financial data was not secure and there was failure to segregate certain financial duties, which increased the risk of misappropriation of assets through error or fraud.

According to Jacques's allegations against his former em-

ployer, he provided Sanchez with a preliminary assessment of the state of the technology infrastructure, and informed him there had been serious mismanagement of the College's infrastructure. He also informed Sanchez there was no control of data integrity and the College was completely lacking in inventory control.

This deficiency was later discovered by an audit conducted by the state auditor's office.

Jacques further alleged that College administrators were using equipment that was purchased for the students through certain federal grant funds. He claimed that the College obtained more than \$5,000 of technology equipment through grants, but most of it could not be accounted for.

At the time, Serna was responsible for managing the federal grants and Trujillo, a close associate of Sanchez, was responsible for tracking how grants were used. Jacques also alleged virtually all service contracts had been improperly approved by Trujillo and the College was wasting more than \$4,000 a month by improper reviews of approved contracts.

Jacques did not return calls seeking comment on the lawsuit settlement, but went on record in the past to say he would be limited by state statute from disclosing the terms of a possible settlement, or to provide more feedback on his legal action against the College.

Hamish Thomson

From: Jake Arnold <JakeArnold@windstream.net>
Sent: Thursday, May 19, 2016 11:02 AM
To: Hamish Thomson
Subject: RGS on Missed NNMC Fed DOE Grant Deadline/Online Reader Comments

Rio Grande Sun—5/12/16

Northern Administrators Drop Ball on Grant Deadline



(SUNfoto by Ariel Carmona Jr.) Northern New Mexico College interim president Domingo Sanchez (left) takes notes during the Board of Regents meeting, April 28, while Board President Rosario Garcia listens to staff reports. College administrators risks losing more than \$2 million in federal funding for recruiting, advising and other programs, because the application for a five-year grant was submitted two minutes after the posted deadline.

College could miss out on \$2 million in funding for getting application in two minutes late

By Ariel Carmona Jr.
SUN Staff Writer

Northern New Mexico College could potentially miss out on more than \$2 million in federal money, as a result of missing the submission deadline for a grant.

The grant provides funding for recruiting services, financial aid counseling, career workshops and other vital services for students.

According to the application information made available by the United States Department of Education, the Educational Opportunity Centers Program is a five-year grant, for which higher education institutions can apply, and whose main purpose is to provide counseling and information to adults interested in college admissions and financial aid assistance.

The College was awarded an average of \$484,249 from the federal program for the past five years of eligibility, since Fiscal Year 2011.

Interim President Domingo Sanchez said as a result of an administrative oversight, the College missed the deadline to apply for the grant by a matter of minutes on April 4, possibly putting the funds in jeopardy.

"We've had that grant for a number of years," he said. "It's primarily dealing with recruitment. Under that federal program we can go and recruit, but only for college, we can't specifically recruit for Northern. We are there to help bring people into higher education."

Services at risk

The services funded by the grant are wide-ranging and can include:

- Academic advice and assistance in course selection
- Assistance in completing college admission and financial aid applications
- Assistance with preparation for college entrance examinations
- Academic advice and assistance in course selection
- Guidance on secondary school reentry to a General Educational Development (GED) program or other alternative education program for high school dropouts
- Tutoring services
- Career workshops and counseling
- Mentoring programs involving elementary or secondary school teachers, faculty members at institutions of higher education, students, or any combination of these persons
- Programs and activities specially designed for students who are limited in English proficiency, students from groups traditionally underrepresented in post-secondary education, students with disabilities, students who are homeless and who are in foster care or are aging out the foster care system, or other disconnected students

Late is late

Barbara Bustos, Educational Opportunities Center director at the College did not return calls regarding the program and the grant, but Sanchez said the grant application had to be submitted by 4:30 p.m. on the day it was due, but the time stamp on the application read 4:32 p.m. instead of 4:30 p.m. leaving a question of whether the Department accepted the College's submission.

"That's what happened," Sanchez said. "It's in there, we got an acceptance number from the federal system. The issue is the guidelines say it had to be in by 4:30, our time stamp says it was two minutes off, but we're scratching our heads because we got the confirmation from them, so the window was still open."

The Department usually closes the federal portal at the stated time and if the application is late, it does not get submitted, Sanchez said.

"There's the debate, are they going to honor it or not, because we got a confirmation," he said.

Gaby Watts, director of Trio, Upward Bound and Educational Opportunity Centers at the United States Department of Education, said the annual allocation may differ for every institution awarded the grant. The amount is dependent on allocations the Department receives, but typically, the amount awarded each year remains constant during the five-year period.

Although Sanchez said he was not sure if this type of oversight has happened before at the College, he said it happens all the time throughout the country and a congressional delegation is one of the first places administrators go for assistance. He said Northern has reached out to Congressman Ben Ray Luján, D-N.M., and Sen. Tom Udall, D-N.M. for assistance.

Sanchez said College officials have also contacted the Higher Education Department and are still waiting for a response on the status of the application.

The worst-case scenario would be that the institution would lose the grant and funding tied to it, which ends on Sept. 30, at the conclusion of the federal fiscal year.

"If, in fact, that's the way it came down, we might have to wait to reapply," Sanchez said. "In that case, we'd probably have to wait until the next (application) cycle. My thought is, we'd probably reapply then. We haven't given up on it yet. It's an issue we won't know about until we hear back from the congressional delegation or the federal government."

The grant's documentation in regard to criteria states the secretary of education gives priority to projects that are designed to address the needs of military or veteran-connected students.

The Director of the College's Veterans Resource Center, Frank Orona, did not return calls regarding how the possible loss of funding would directly impact the veteran's program and neither did the College's Financial Aid Director Jacob Pacheco.

The Educational Opportunities Center located is located in Española, but there are satellite offices in Bernalillo, Taos, Santa Fe and Las Vegas.

Luján was not available by press time, to comment on his availability to advise and assist the College.

Jennifer Talhem, a communications director in Udall's office, said the senator's staff personally appealed to several officials from the Department of Education by phone and in person in Washington, D.C., and were told that the Department takes these deadlines very seriously and had clearly informed applicants that late submissions would not be accepted.

Talhem said the senator's staff was told because the application had been submitted late, there was no flexibility and it was not possible to appeal to the Department.

"Sen. Udall stands ready to help Northern New Mexico College find alternative sources of funding," she said.

Reader Comments

The following are comments from the readers. In no way do they represent the view of riograndesun.com.

Bella wrote on May 13, 2016 2:25 PM:

" ARE YOU KIDDING ME!!!

ABSOLUTELY UNACCEPTABLE "

The Shame wrote on May 13, 2016 5:35 PM:

" This isn't sad just because of the resources to students. At least five people will lose their job because of this. "

Hernandez dad wrote on May 14, 2016 7:20 PM:

" These people are idiots. Plain and simple. How are these people still on the payroll. They are liars and incompetents. "

Northern Students wrote on May 16, 2016 1:09 AM:

" Northern gets grants for these services, yet when we ask for assistance from one of them nobody can help. These services & departments only exist to donate money to people that sit there and say they can't help you or give you runaround. Maybe if their staff did their jobs this wouldn't happen. Their only concern is not having money for the staff they could care less about us students. "

Always wrote on May 16, 2016 8:13 AM:

" Dont they always "

They should have wrote on May 16, 2016 9:15 AM:

" Been on top of this. How sad "

Really Nortrhern wrote on May 16, 2016 10:29 AM:

" The one who should be let go is the so-called Director of the College's Veterans Resource Center, Frank Orona! He doesn't know what he is doing nor does he know anything about the Veterans at Northern! "

Valerie wrote on May 16, 2016 11:52 AM:

" I am not sure where northern student has been seeking help from as a student at Northern but I can assure you that this program EOC who lost their funding because of incompetent people was one office i could rely on for help. The advisors there would assist me with FAFSA, Verif forms, advisement etc. they were always very helpful even if just to answer questions when I needed guidance. I was so impressed with the services this EOC department offered and helped me with that I would refer other students to them. The other students were so happy I made the referral to them. They were very pleased with the services they received from the advisors in that office. The EOC program which I am very familiar with will be missed by a lot of students. They were an awesome resource when you needed help with whatever. Good luck to the employees in finding a new job. You guys are awesome and shouldn't have a hard time finding one. "

Reassured wrote on May 16, 2016 11:55 AM:

" To Hernandez Dad, I sure hope you are referring to the administrators as being idiots, because I can assure you that the staff in the EOC office knew their job very well. That was the only office that really helped us students out with what we needed. We got the run around from every other office at Northern but the EOC office had educated employees who knew their job well. It's a shame that they will no longer be around. This office will be missed by many. I can assure you of that!!! "

David L. wrote on May 17, 2016 5:12 PM:

" This college needs to be shut down. The interim president and the provost are guilty of negligence, HR violations and corruption. the only way this college can come back is to clean house big time. Valuable faculty have left as a result of horrible treatment. All of the money coming in does not go to the students so it is good they did not get this grant. As a student and community member I am outraged that the State of NM allows this college to continue as is. The new president has his work cut out for him ! "

Sad News wrote on May 18, 2016 9:31 AM:

" How sad for allt he EOC staff. The Director Barbra Bustos should be to blame. Shame on her for missing the deadline, I'm sure it wasn't a last minute deadline. She had to have known for months. I hope she feels like crap, her procrastination caused people to lose their jobs. They were all so helpful! "

HR Director Quits Trash Authority

By Barron Jones

SUN Staff Writer

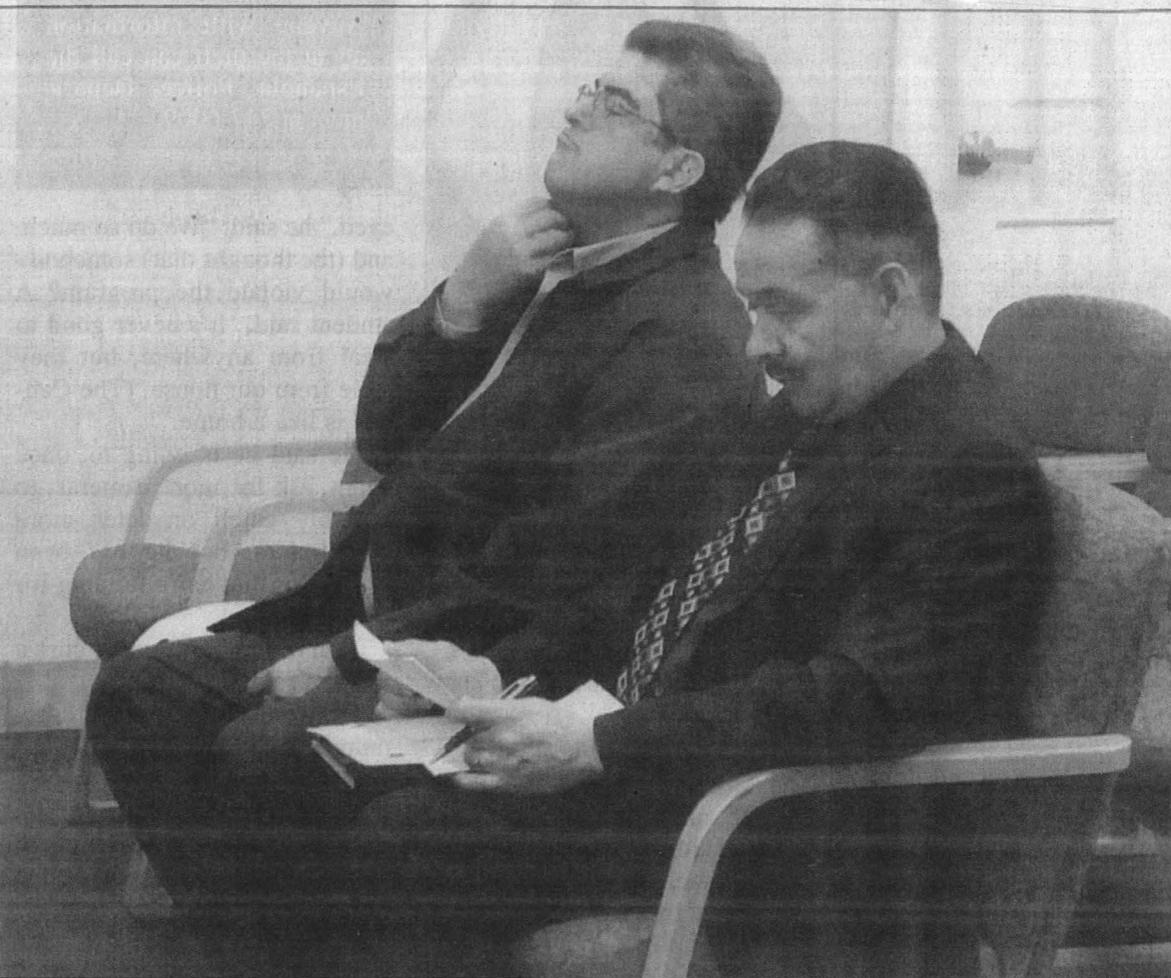
After being on the job, officially, for less than two months, Bernie Padilla has decided to retire from his position as the North Central Solid Waste Authority's Human Resources director.

Padilla's last day was April 29, at which time, the woman he had been training for the past two weeks, Viola Cortes, assumed responsibility for the Department.

The Authority hired Padilla, Feb. 17, approximately a month-and-a-half after his employment ended with Northern New Mexico College, and several months before the College's then-president, Nancy Barceló, placed him on paid administrative leave, until his Dec. 31, 2015 departure. When he left the College, he was the associate vice president of Finance and Human Resources.

Authority Director Gino Romero requested the Board increase the Human Resources supervisor's salary by \$8,000, from \$54,000 to \$62,000, during the Feb. 17 meeting, so he could retain Padilla.

Both Romero, and Rio Arriba County Manager and alternate Board member Tomas Campos, conveyed disappointment in Padilla's decision to leave. Campos thought hiring the former Col-



(SUNfoto by Barron Jones)

Former North Central Solid Waste Authority Human Resources supervisor Bernie Padilla (foreground) looks through paperwork during a February meeting while Rio Arriba County Manager Tomas Campos strokes his chin. Padilla held the job for less than six weeks before putting in for retirement.

lege administrator represented a steal of a deal.

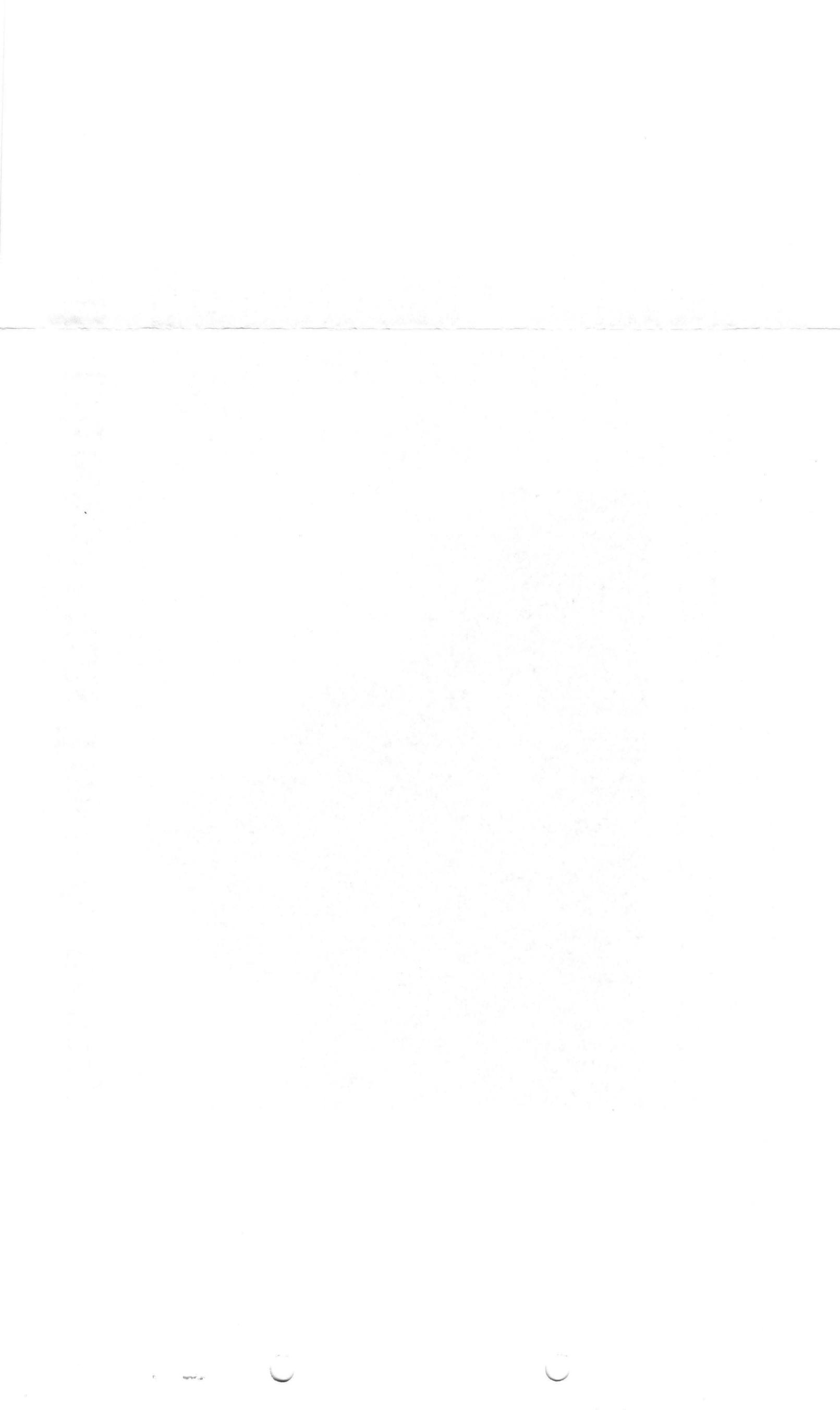
"I think he would have been a

great assistance to the Authority," Campos said. "I wish he would have stayed longer."

Romero hired Truchas native

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Rio Grande Sun
May 5, 2016



Commissioner Addressed Debt

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Cortes to replace Padilla. She has about two decades of Human Resources experience, with most of it being logged in the private sector.

"This is nothing new to me," Cortes said. "I have 22 years of experience in Human Resources."

She said when she gets settled, she plans on ushering in some changes, but for now, she is intent on getting organized.

Other Authority business

Rio Arriba County hosted a workshop after the Authority conducted its Feb. 17 meeting to discuss ways to keep the Joint Powers Agreement with the Authority intact, while moving it forward.

Rio Arriba County Commissioner Alex Naranjo dominated the discussion by outlining what needs to take place to keep him and his fellow commissioners happy.

Naranjo was able to secure acquiescences from Board members regarding most of the points he brought up, such as making the Village of Chama part of the Agreement and maintaining audits.

He received push-back from Española and Santa Clara Pueblo representatives Pedro Valdez and Dino Chavarria, respectively, when he suggested adding another Board member for the County.

Valdez, who is also an Española city councilor, refused to cooperate without first running the proposal by Mayor Alice Lucero.

"We are entitled to two Board members," Naranjo said. "That is the way it has to be, we are the majority of your customers."

Romero was quick to point out that the County's role as the largest customer also means that those customers amount to a financial burden.

During the first nine months of the year, his operation consumed about 89 percent of the \$1,990,000 budgeted for picking up and disposing of trash in the County.

This means the Authority spent \$1,786,812 dumping trash in the County and must pick up trash for the remaining three months on a budget of \$208,000.

That figure is just \$10,000 more than the approximately \$198,534 it costs, on average, to dump the trash for the first nine months of the year.

Naranjo also wanted answers regarding the Authority's failure to start paying back a \$1.2 million loan the County took out on the Authority's behalf.

Romero said he doesn't mind addressing the debt, but up until recently, the Authority has been operating at a bare minimum.

"In my mind, there was no means to pay them back until now," he said.

However, he said he believes the amount due should be adjusted to take into consideration the state in which the previous manager left the Authority, when he took over.

"I took over in 2010," Romero said. "That is up for negotiation. The money was needed to put us back where we were. He (former Authority Manager Joe Lendowski) ran the agency into the ground and didn't tell the Board he was broke."

Campos said the Authority's financial woes first surfaced because of misinformation regarding a grant award.

Lendowski, who was several months removed from running the trash operation when the loan agreement was put in place, spent \$350,000 on equipment, only to learn the grant money on which the purchases were predicated, had not been secured, Campos said.

This had a spiraling effect that culminated in the need for a \$1.2 million loan to keep the Authority afloat.



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4/28/16

Northern New Mexico College tabs new president

3 images



By Robert Nott
The New Mexican | Updated 4 days ago

The Northern New Mexico College Board of Regents has chosen a career military man to steer the financially embattled school out of stormy waters.

In a unanimous vote Thursday morning, the board of the Española-based college decided to offer the president's position to Richard Bailey Jr., the dean of students at the School of Advanced Air and Space Studies in Pueblo, Colo., who has family ties to Northern New Mexico. Speaking by phone later Thursday, Bailey, 45, said he intends to accept the offer, which comes with a one-year contract at \$175,000.

"He is a breath of fresh air," Rosario "Chayo" Garcia, president of board, said of Bailey. "He is an outstanding leader, he's responsible and has a positive attitude. He's willing to work with everybody."

The board's decision to hire Bailey met with praise from school staff and members of the student government, some of whom expressed outrage last month when the board announced that the interim president, Domingo Sánchez, was one of five finalists for the position formerly held by Nancy "Rusty" Barceló, who stepped down in December. Sánchez, who had been the vice president of finance and administration, had worked closely with Barceló — who some say created an environment of fear and doubt on the campus and played a role in its financial troubles.

Sánchez will continue to lead until the college Bailey comes on board, Garcia said.

Catherine Martinez Berryhill, executive director of the Family Learning Center in Española, and Andres Salazar, a research professor at The University of New Mexico's School of Engineering, also were finalists. An initial fifth finalist — William Flores, a research fellow at the Institute for Educational Policy Research and Evaluation at the University of Houston — withdrew his candidacy last week after accepting a job in California.

Among his past military achievements, Bailey managed forces and projects connected to NATO's mission in Afghanistan from 2008-11 and served as an instructor of government and international relations at the U.S. Air Force Academy. He earned a Bachelor of Science at the Air Force Academy, a Master of Arts at Washington University and a doctorate in philosophy in government from Georgetown University.

Bailey will not only have to hit the ground running when he steps into the top job at Northern, possibly in October, but also will have to shoulder a lot of responsibility in an effort to navigate the finances of the school. Northern has faced scrutiny from both the public and the U.S. Department of Education in the past few years, and Bailey said he is aware of the problems.

"Our goal is to strengthen the ties between the college and the community and the internal ties," he said. When he visited the college last week to attend a public forum for the remaining four job finalists, Bailey saw how dedicated the Northern community is to moving the institute forward, he said.

"Even if not everyone agrees on how best to do that, I am optimistic knowing how passionate everyone is that we can get together and do this," he said. Regarding the college's financial problems, he said he intends to seek alternative sources of revenue but needs more time to formulate a plan.

The college was founded in 1909 as the Spanish American Normal School. Since then, it has undergone changes in its identity and mission, and it has opened a second, larger campus in Española. Northern began offering bachelor's degree programs in 2005, and some critics claim that its current financial problems are rooted in a decision to build up the school's four-year degree offerings at the expense of popular two-year programs.

Last year, Barceló, who took on the president's job in 2010, said she was retiring in June 2016. But in December, she abruptly announced she was stepping down ahead of her retirement date. Though she seemed to encounter or cause few problems in her first years at Northern, a budget shortfall in 2013 led the college to raise tuition rates by more than 13 percent and lay off about 20 employees — unpopular actions that met with protests by students and staff.

In spring 2014, some faculty leaders voted to express "no confidence" in the college's leaders as enrollment numbers dropped, more staff members were laid off and some of the trades courses were cut to meet a reduced budget. Around that time, faculty members wrote a letter accusing Barceló of creating a state of "financial chaos, doubt, uncertainty and fear of retaliation."

A few months later, a former employee sued the school, claiming he was put on administrative leave and then fired because he uncovered financial and administrative waste, as well as mismanagement of the campus' technological systems. His is one of several whistleblower court complaints pending against the college.

The U.S. Department of Education put Northern on a list of schools subject to financial restrictions known as "heightened cash monitoring" because it was late in submitting several audit reports.

Last spring, in another sign of declining revenues, Northern leaders moved the school's few remaining programs at its small, historic El Rito campus to the main campus in Española. Several people who attended Thursday's board meeting said they hoped Bailey could find a way to reopen and revitalize that campus.

Rio Grande
Sun
April 21, 2016

College President Pool down to Four

By Ariel Carmona Jr.

SUN Staff Writer

The community got an opportunity to meet and hear from the four candidates vying for the open president position at Northern New Mexico College.

The second of two public forums designed to solicit input on the search process for the College's top administrator was held Monday.

The forum gave people a chance to interact with and pose questions to the finalists. A reception immediately followed the applicants' presentations.

A previous forum attended by approximately 35 to 40 community members took place March 23, but Monday's forum gave the public a chance to meet and mingle with the final-

ists for the first time.

The event took place at the Center for the Arts on the Northern campus, where the candidates addressed a wide range of concerns from campus faculty and staff and residents, including what direction the College should take in regard to the El Rito campus, how to increase student enrollment and how to revitalize and promote the institution in light of recent program cuts and budget constraints.

On March 24, the Board of Regents narrowed the pool of 25 applicants, which included 12 out-of-state and one international applicant, to five finalists: Richard Bailey, Catherine Martinez Berryhill, Andres Salazar, Domingo Sanchez and

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Vincent Flores.

Hugh Prather of Albuquerque-based Prather Consulting, said he received an email earlier in the day from Flores, in which the candidate said he decided to accept an offer from another institution. He said Flores thanked the Regents for the opportunity to apply and officially withdrew his application, narrowing the field even further.

Bailey, dean of students and professor at the School of Advanced Air and Space Studies in Montgomery Ala., said people who know him and his wife Diana, well, know New Mexico is the place they want to be because they have relatives already living in the area and they are both in love with the art and culture in the region.

He said being the first person in his family to go to college allowed him to identify and relate to the students at Northern and their drive to attain an education to better their lives.

Some of the goals Bailey plans to pursue if he is selected as president, include being creative in his pursuit of alternate sources of funding and minimizing the College's dependence on state funds directly tied to oil and gas.

He said being in the Air Force allowed him to travel all over the world.

"The one place in the planet we want to be is Northern New Mexico," he said.

He is familiar with the mission of the College as a Native American- and Hispanic-serving institution.

"I know what the vision of the College is," he said. "I don't want to change that. I want to embrace it."

Berryhill, who held various positions at the College from 2007-2012, said the school has to be willing to partner with other institutions in order to solve the El Rito situation.

The facility is the original site



of the College, dating back to when it was called the American Normal School, but has languished in recent years after academic and community education programs were transferred to the Española campus.

"We have to make El Rito work for us," she said.

Berryhill said the College needs to go into the high schools and recruit local students in an effort to rebuild enrollment.

Salazar was asked what he would do to try and increase enrollment at the College. He said when students see value to attending a college, when they see a path toward getting a good job, they are more likely to sign up for classes.

"The drop in enrollment is the most important problem," he said. "My work here, should I be selected as president, is to attack this number one problem. We have lost that value students are seeking and we have to get that back."

Salazar emphasized his roots in

Española and said he was seeking the job in order to give back to the community.

"I may live in Santa Fe, but all of you who know me, know that I work here," he said. "You can find me in the Española Community Market on Oñate Street every third Saturday, every month. I am there sweeping the floor because I believe in giving back to Española."

Sanchez, currently serving as interim president of the College, said in terms of enrollment, the institution needs to get back to community-building. He said the College needs to support local and regional businesses and public schools. In the transition from a two-year to four-year school, Northern would not qualify for a tax mill levy, and as a two-year school, the College never got it, so they were never in equal footing with other community colleges in the state.

Sanchez also addressed the question of the El Rito campus and said even though the College

does not have a lot of resources, he sees future opportunities for the campus.

"I would love to see that brought back," he said. "A lot of has been physical constraints that we haven't been able to do a lot about out there, but there are a lot of opportunities, especially in the healthcare area, social work and nursing."

Sanchez said he sees great potential for El Rito in terms of bringing health service programs to the campus.

"I don't want to see that campus die any more than anyone from El Rito out here would like to see it go away," he said. "It's an issue of finances and we have to work with the dollars we have."

According to the Presidential Search Plan drafted by Prather, the Regents will review the comments made from applicants at both public forums and will announce their selection during a public meeting on May 5.

| May 5

(SUNfoto by Ariel Carmona Jr.)

Northern New Mexico College president candidate Richard Bailey listens to a community member who attended the Monday night forum at the College's Center for the Arts. Bailey joins the other three finalists in applying for the president position at the College. The Board of Regents is scheduled to announce the selection on May 5.

